IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY & INTESTATE JURISDICTION

NOTICE OF MOTION NO.64 OF 2006

IN

CHAMBER SUMMONS NO.12 OF 2006

IN

PETITION NO.724 OF 2004

Mahesh Govindji Trivedi. ...Petitioner.

Vs.

Mugatlal Govindji Trivedi. ...Caveator/Applicant

Ms.Bhandary i/b. M/s.Bhandary & Bhandary,for Petitioner.

MR.S.N.Vyas, for Respondent in support.

CORAM: D.K.DESHMUKH,J.

DATED: 24th August, 2006.

P.C.:-

1. Heard the learned Counsel for both the sides. Considering that the

Caveator is willing to pay substantial cost to the petitioner, in my

opinion, in the facts and circumstances of the case, the chamber summons which is dismissed for default deserves to be restored. Notice of motion is granted in terms of prayer clause (a) subject to payment of Rs.10,000/- as a cost of this notice of motion, by the Caveator-applicant to the petitioner. Cost be paid within a period of two weeks from today.

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